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February 15, 2012

Mr. Valmichael Leos
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Re: San Jacinto River Waste Pits Superfund Site
TCRA Monthly Report No. 001 for January 15-February 15, 2012
U.S. EPA Region 6, CERCLA Docket No. 06-12-10

Project Number: 090557-01

Dear Mr. Leos:

Attached please find TCRA Monthly Report No. 001 January 15-February 15, 2012.

This report was prepared on behalf of the International Paper Company and McGinnes Industrial Maintenance Corporation for the San Jacinto River Waste Pits Superfund Site in Channelview, Texas. Should you have any questions, please contact me at (228) 818-9626 or email me at dkeith@anchorqea.com.

Sincerely,

A handwritten signature in black ink, appearing to read "John P. Laplante". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John P. Laplante for David C. Keith
Project Coordinator

cc: Barbara Nann, USEPA

Phil Slowiak, International Paper

Andrew Shafer, MIMC

Jennifer Sampson, Integral

TCRA Monthly Report No. 001
Submitted February 15, 2012
San Jacinto River Waste Pits Superfund Site
USEPA Region 6, CERCLA Docket No. 06-12-10
Channelview, Texas

This monthly report is submitted pursuant to the Administrative Settlement Agreement and Order on Consent for Removal Action: CERCLA Docket No. 06-12-10, Channelview, Texas, which became effective on May 11, 2010 (AOC). The Respondents are International Paper Company (IP) and McGinnes Industrial Maintenance Corporation (MIMC). This monthly report has been initiated to replace the weekly report that was formerly submitted to USEPA for the same project. Approval to change from weekly to monthly reporting was requested by the Respondents from USEPA in accordance with section VIII, paragraph 49.a. of the AOC. USEPA granted approval of this requested change on January 18, 2012.

A. Summary of Work Performed – Dates: January 15-February 15, 2012

The Respondents and Anchor QEA completed work on the following tasks:

- Submitted TCRA Weekly Progress Report No. 061 on January 9, 2012.
- Continued to review changes, transmitted to Anchor QEA on January 3, 2012, that USEPA requested that Respondents make in submitting a Revised Final Removal Action Completion Report (Revised Final RACR).
- Performed first TCRA OMMP monitoring event.

B. Summary of Agency Communications

The written communications between the Respondents and USEPA, including and subsequent to the issuance of the Removal Action Work Plan (RAWP), are summarized in the attached Table 1.

C. Summary of Sampling Results

None for this report.

D. Problems, Delays, and Solutions

Respondents continue to dispute USEPA's allegations contained in USEPA's Notices of Violations dated January 14, January 21, and January 24, and on April 4, 2011, and they submitted an additional notice of dispute to USEPA with respect to USEPA's Notice of Violation dated March 3, 2011, and certain statements contained in two other letters from USEPA dated March 3, 2011. They also dispute USEPA's rejection by letter dated February 16, 2011, of their force majeure claim. They submitted a Notice of Dispute to USEPA on March 18, 2011, and a supplemental submittal to USEPA on September 9, 2011, in response to that letter. On August 11, 2011, Respondents received a letter from USEPA dated August 5, 2011, alleging non-compliance with deadlines contained in the AOC. Respondents submitted a notice of dispute to USEPA on September 9, 2011, in response to the August 5, 2011 letter, pursuant to which they dispute any claim by USEPA that they are subject to stipulated penalties under the AOC or associated with the TCRA, as to which construction was substantially completed as of July 14, 2011, several weeks ahead of the original schedule for its substantial completion.

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Respondents are continuing to address USEPA's requests related to access. USEPA had agreed to extend the deadline it had set for Respondents to obtain access from SJRF, as the new owner of the Big Star property. Subsequently, in an email dated October 6, 2011, USEPA's counsel asked Respondents to continue to work with SJRF to obtain access to the SJRF property but removed the deadline that had previously been set for Respondents to obtain such access. In an email dated October 7, 2011, SJRF's Vice-President, Brian Darnell, stated that Respondents could access portions of the SJRF's property, and in a later email dated October 14, 2011, identified conditions that would be required for access to the other portions of the SJRF property. Respondents reviewed those conditions and responded to Mr. Darnell's October 14, 2011 email, by email, dated October 31, 2011, a copy of which was sent to USEPA. On December 27, 2011, Respondents received a response from Mr. Darnell to their October 31, 2011 email, and are in the process of addressing how to respond. Respondents will continue to pursue efforts to reach an access agreement with SJRF. USEPA had raised questions regarding a submission made by MIMC's counsel on September 30, 2011, regarding access issues with respect to the western boundary of the impoundments. Counsel for both of the Respondents have made submissions to USEPA in response.

Respondents have notified USEPA of, and addressed in their monthly reports under the Unilateral Administrative Order for the Site, their concerns that SJRF's operations in the vicinity of the Site. These concerns are applicable to the TCRA as well due to potential adverse impact on the TCRA armored cap constructed at the Site. Pursuant to an email dated February 9, 2012, USEPA's counsel forwarded to Respondents' counsel a copy of a document dated February 2012, entitled "Draft Sampling and Analysis Plan for Pre-Construction Baseline Site Assessment, San Jacinto River Fleet Property, Harris County, Texas" ("SJRF Draft SAP"). The SJRF Draft SAP purports to address "existing environmental impact that could be disturbed by SJRF's commercial operations" in the vicinity of the Site. Respondents intend to submit correspondence to USEPA on the impact of SJRF's operations on the TCRA armored cap and comments to USEPA regarding the SJRF Draft SAP and to continue to work with USEPA on this issue.

E. Projected Work for the Next 2 Month – Dates: February 15-March 15, 2012

The Respondents and Anchor QEA expect to complete the following tasks in the next 2 months:

- Continue to engage in discussions with USEPA regarding a Chemical Monitoring Plan for the TCRA and whether it will be an RI/FS or TCRA activity.
- Continue to address any issues related to USEPA's request with respect to access issues related to the TCRA, including responding to Mr. Darnell's December 27, 2011 email.
- Continue to work with USEPA to address impacts of the SJRF's operations on the Site.
- Prepare the Revised Final RACR for submission to USEPA.
- Prepare TCRA OMMP monitoring report for submission to USEPA.

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F. Schedule

Attached is the approved project construction schedule, which is being included as directed by USEPA in a letter from Valmichael Leos to David Keith of Anchor QEA dated February 10, 2011. The approved construction schedule is out of date, as it references armor cap materials whose designations have now changed (as explained in the approved RAWP) and includes "start" and "finish" dates for these materials that are no longer applicable since the sequencing of placement of the construction materials has also changed, as explained in the approved RAWP. Note that armor cap material designations referred to above are based on the approved RAWP.

A proposed updated project construction schedule, based on Respondents having obtained access to the TxDOT ROW, and secured a lease for a laydown area and dock facility, was transmitted to USEPA on February 14, 2011. Respondents prepared the updated project construction schedule pursuant to USEPA's direction, and it further revised and updated the schedule presented and submitted to USEPA at a January 31, 2011, meeting. On March 3, 2011, USEPA provided a letter indicating the proposed schedule was not approved and invited Respondents to request a meeting with USEPA if desired. A meeting with USEPA regarding the schedule took place on March 24, 2011, and based on that meeting, the Respondents did not submit a revised schedule. USEPA suggested during the March 24, 2011 meeting that the schedule be discussed in June or July. Respondents note that the USEPA's August 5, 2011 letter (received by them on August 11, 2011) identifies alleged failure to meet construction deadlines contained in the outdated construction schedule. As noted above, Respondents on September 9, 2011 submitted a notice of dispute to USEPA with respect to the August 5, 2011 letter and any alleged violations of or non-compliance with the AOC with respect to such deadlines.

Table 2 presents a summary list of the major cap construction elements and their dates of completion. Please note that the tasks set out in Table 2 do not coincide with the tasks listed in the approved project construction schedule since, as discussed above, the approved schedule is out of date. In addition, the material designations referred to below are based on the approved RAWP, which contains material designations that differ from those referred to in the out-of-date approved project construction schedule.

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Table 2 – Summary of Cap Construction Elements

Task	Date Completed
Water-side geotextile placement	May 16, 2011
Water-side placement of Cap A material	May 19, 2011
Water-side placement of Cap C material	May 13, 2011
Water-side placement of Cap D material	May 16, 2011
Clearing and grubbing of Western Cell	April 8, 2011
Stabilization of Western Cell	May 17, 2011
Land-side granular fill placement in Western Cell	May 24, 2011
Land-side LLDPE placement in Western Cell	June 1, 2011
Land-side placement of Cap A material ¹	May 19, 2011
Land-side placement of Cap B/C material	June 24, 2011
Land-side placement of Cap D material	July 12, 2011

1. On June 24, 2011 the more protective Cap B/C rock was placed in a small portion of the Western Cell in which Cap A rock was originally going to be placed to complete the work in this area.

Prepared by:

John P. Laplante /for/

David C. Keith, Project Coordinator

Table of Agency Communications

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**-SCHEDULE-
SAN JACINTO RIVER WASTE PITS SUPERFUND SITE**

